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CONFLICT OF CIVIL AND CRIMINAL LAW

yet after this, the first wife might be refused a share in the estate under the intestate laws!

Prof. Leto's theory would contain the correct and logical principal—the criminal court should seek judicial determination of all facts, not in its province—but it should not do so by certifying an issue or by any method tending to delay. A defense, based upon the existence or non-existence of a status, the interpretation of a contract, or any claim, which might form the basis of a civil suit, should be heard and finally determined, at the trial of the criminal action, by the court sitting as a civil tribunal.

J. L.

PENOLOGY.

Prison Bills in New York.—The following is a prospectus of bills relating to the prison system that will be introduced in the legislature of the state of New York within the present session:

I. Abolishing the Commission on New Prisons and authorizing and directing the Commission on Prison Reform, with the approval of the Superintendent of Prisons;

(1) To select and purchase a site of not less than 1000 acres for a new prison to take the place of Sing Sing, the same to consist of farm and wood land situated within 75 miles of New York City, and to invite and approve plans for a new prison on the cottage plan and to begin the work of construction thereof;

(2) To select and purchase farm land in the vicinity of Auburn and to invite and approve plans for buildings to be erected thereon for the custody and employment of prisoners in Auburn Prison and to begin the work of construction thereof;

(3) To invite and approve plans for additional buildings to be erected on the State Farm at Valatie for the accommodation of women committed to the State Prison for Women at Auburn and to supervise the construction thereof;

(4) To invite and approve plans for buildings for the custody of male and female criminal defectives respectively on the prison site at Wakefield, and to begin the construction thereof;

(5) To invite and approve plans for the construction of buildings on the tract of 800 acres recently acquired by the State for a Farm Colony for Tramps and Vagrants, as and for a free farm colony for discharged and paroled convicts.

II. Providing for the institution at Sing Sing Prison of a Prison Medical Board of three physicians of standing, one of whom shall be an alienist, with proper equipment and expert assistance, to examine into the physical and mental condition of all persons committed to the prison and to report their findings to the Superintendent of Prisons, and providing, further, that all persons hereafter sentenced to imprisonment in a State Prison shall first be committed to Sing Sing for detention until such examination shall have been approved by the Superintendent.

III. Providing that all convicts in any State Prison found to be mentally defective, either by the State Commission for Mental Defectives or by the Prison Medical Board, shall be transferred to and placed in the custody of the Prison Medical Board at Sing Sing Prison for such special care and treatment as they may require, until proper provision has been made for them elsewhere by the State.

IV. Providing that the Governor be authorized to appoint local Boards of Pardon and Parole in connection with each of the State Prisons and Reformatories, consisting of five citizens to serve without pay, for the purpose of investigating all applications for pardon or parole and of reporting thereon to the Superintendent of Prisons.

V. Amending the Penal Law so as to require all judges, sentencing convicts to confinement in a State Prison to impose an indeterminate sentence, without maximum or minimum limit.

VI. Reorganizing the State Board of Parole—the Board to consist of five members, at least two of whom shall be lawyers of proved capacity, to pass finally on all applications for parole in the State Prisons.

VII. Providing for the abolition of capital punishment and fixing imprisonment for life as the extreme penalty for murder in the first degree.

VIII. Providing that all first offenders sentenced to imprisonment in a State Prison for a minimum term of more than a year, shall at the expiration of a year after such sentence become eligible for parole.

PRISON BILLS IN NEW YORK

IX. Providing for the creation in the office of the Superintendent of Prisons of an employment bureau for paroled and discharged convicts.

X. Providing for the establishment in the office of the Superintendent of Prisons of a Bureau of Criminal Statistics for the State of New York.

Report of the Illinois State Reformatory.—The twelfth biennial report of the managers of the Illinois State Reformatory at Pontiac has just been received. It covers the period ending June 30, 1914. The report contains a great deal of data that should be interesting to the general public. Among other things, we notice that the General Superintendent urges the purchase of additional land for the institution. Two hundred acres of land are now available for farming purposes. He says that the statistics of the institution show that 90 per cent of their boys who are paroled as farm hands, after having been taught the art of farming at the institution, make good farmers and substantial citizens. He recommends, therefore, that at least 300 acres of land, in addition to that now held, be purchased for this purpose. The farm superintendent also urges that this step be taken, and adds that in a short time the products of the farm will be sufficient to supply the institution.

The General Superintendent calls attention to the fact that the Ohio State Farm has recently purchased 1,000 acres for this purpose.

The population of the reformatory has been slowly decreasing for several years, owing to several facts: *First*, boys who are found guilty of crime in the municipal courts of Chicago are no longer sent to the reformatory, but are confined in Cook County institutions. *Second*, the criminal courts of Cook County commit a large percentage of those found guilty to Cook County institutions. *Third*, a large number of boys, formerly committed to the state reformatory, are now sent to the St. Charles School for Boys. *Fourth*, courts are taking advantage of the recent law which gives all courts of record the right to place certain first offenders upon probation.

The superintendent recommends that only boys who are over the age of 16 years should be sent to the state reformatory; that the state laws be so changed as to include all offenders under the age of 16, and that the age limit be raised from 16 to 25 years inclusive. He would admit, therefore, only first offenders who are aged from 21 to 25 years inclusive, and a provision should be made that in case it should become definitely known after commitment to the reformatory that a person had been guilty of previous offenses, or had been previously convicted or served time in any other reformatory or penitentiary, that he be immediately transferred to the state penitentiary.

R. H. G.

Prisoners' Mail.—In Vol. 4, No. 6, March, 1914, beginning page 920 of this Journal, we published a note under the above title, which summarized the provisions in the various states of the Union with reference to mail privileges for convicts. The data there published came from the hand of J. J. Sanders, Parole Clerk of the Arizona State Prison. We have just received a pamphlet under this title, by the same author, which contains some information that we set forth here to supplement the note referred to above. Since that note was published, Mr. Sanders has secured information as follows:

In Arkansas, the inmates of the state prison are allowed an unlimited daily letter mail. They are also allowed the newspapers, periodicals and magazines.